

General Order

Houston Police Department



ISSUE DATE:

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NO.

400-23

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars and Directives.

SUBJECT: MOBILE VIDEO EQUIPMENT

POLICY

Officers will record entire transactions with citizens whenever video or audio equipment is activated. Employees will not erase, alter, copy, or tamper with any department video or audio record or equipment unless otherwise authorized by this General Order, the Chief of Police, or a court of law.

Recordings made by officers while performing their police duties will not be used for personal gain or entertainment without the express written permission of the Chief of Police.

Officers will continue data collection as required by General Order 600-42, **Racial Profiling Prohibited**, regardless of whether they are utilizing video equipment as described herein.

This General Order applies to all employees.

DEFINITIONS

DWI Video. A video recording produced by the DWI video operator at an intoxilyzer testing facility (see General Order 500-04, **Driving While Intoxicated**).

Electronic Storage Device (ESD). For the purpose of this General Order this term refers to any storage medium that stores audio or video data by any method.

Evidentiary Video. A specifically designated ESD used to record data having evidentiary value from a *mobile video* unit.

Mobile Video. An ESD designated for use in department vehicles equipped with *mobile video* equipment.

Record. To place both audio and video data onto an ESD by any method.

Video. For the purpose of this General Order, *video* means both audio and video data recorded onto an ESD by any method.

1 USE OF VIDEO EQUIPMENT

Mobile video equipment will consist of the following:

- Trunk mounted video recording device
- Monitor
- Color camera
- Wireless microphone
- Control unit
- ESD

Assigned video equipment will be used to record the following:

- a. Traffic and pedestrian stops.
- b. Arrests arising from stops.
- c. DWI stops.
- d. Pursuits.
- e. Certain prisoner transports (e.g., violent prisoners, prisoners of opposite sex, force used during arrest, prisoner claims of injury).
- f. Any incident in which the officer believes a recording would be useful.

2 DRIVING WHILE INTOXICATED

During DWI stops, officers will perform their usual scene investigation and video record any field sobriety tests before proceeding to an intoxilyzer testing facility.

Upon arriving at the intoxilyzer testing facility, the arresting officer will remove the *mobile video* and take it to the intoxilyzer testing room. DWI suspects will be processed as indicated in General Order 500-04, **Driving While Intoxicated**.

After the video operator has produced a *DWI video* of the suspect, the arresting officer will present the *mobile video* to the DWI video operator. The video operator will record the segment from the *mobile video* pertaining to the suspect onto the *DWI video*. The arresting officer will remain present during the copying to preserve the chain of custody.

The *DWI video* will be handled as described in General Order 500-04, **Driving While Intoxicated**. The *mobile video* will be returned to the arresting officer and handled as described in this General Order.

Mobility Incident Management Division (MIMD) and DWI units will continue to follow their units' standard operating procedures pertaining to the handling of their own *DWI videos*.

3 VIDEO RETENTION

ESDs will be assigned a unique code and stored in a secure, locked area accessible only to those employees assigned by the division commander. ESDs will be stored in a manner that is likely to preserve them from accidental erasure or other damage.

Within the secure ESD area, the recordings will be separated into four main categories:

- a. Ready for issuance (includes new, fully erased, or partially used *mobile videos*).
- b. Full ESDs (i.e., *mobile videos* having no more room to store data or are unusable).
- c. Evidentiary videos.
- d. Indefinite hold area. These recordings are held usually because a copy has been sent to a court. These ESDs will be held in this area until final disposition of the case or investigation.

A *mobile video* must be maintained for at least 90 *calendar* days from the last recorded incident.

Evidentiary videos will be retained for at least a 90-*calendar-day* period or until they no longer have evidentiary value. Usable ESDs will be returned to the *ready for issuance* category. Unusable ESDs will be replaced.

4 ESD INVENTORY AND CONTROL

A hard copy log or a secure database tracking system will be kept by the division. The first section of the log will contain at least one page for each *mobile video* ESD and each *evidentiary video* ESD issued or in use.

Equipment room employees and the receiving and returning employees will ensure that the log accurately reflects the following information:

- a. Date and time of log entry.
- b. Action regarding the video ESD (e.g., issued, returned).

- c. Equipment room employee's printed name and employee number.
- d. Receiving/returning employee's printed name and employee number.
- e. Comments (e.g., employee initials [if required herein], subpoena information, explanation if the ESD was issued out for any reason other than routine patrol use, or deterioration notes).

The second section of the log will record the Houston Police Department inventory control number of the *mobile video* equipment assigned to each shop and the shop number to which it is assigned. The second section may be maintained in a hard copy form or within a computer database.

If a vehicle is permanently assigned to one officer, it is permissible for that officer to maintain custody of the *mobile video* ESD until it is full. Otherwise, such videos will be checked in and out for each shift.

Whenever an employee is asked or ordered by an authorized entity to bring a recording to court, the employee will obtain a supervisor's permission prior to checking out a copy of the video. The employee will request a copy of the original ESD be made and equipment room personnel will make a copy for the officer and retain the original. The employee and supervisor will initial the video log in the comments section. The employee will retain personal custody of the ESD and return it as soon as possible to the division. Employees may wait to return the ESD until the beginning of their next shift.

Employees removing ESDs from the division will appropriately maintain the chain of custody. Such employees will docu-

ment this chain of custody in a supplement to the incident report.

If the District Attorney's (DA's) Office or an assistant district attorney requests a copy of an ESD, the division maintaining the original will provide one. However, when a request or a subpoena is issued for an ESD, the division maintaining the original will notify the Chief's Command/Legal Services. ESDs will not be released to the defense without written approval from Legal Services.

5 NONEVIDENTIARY VIDEOS

All *mobile videos*, not deemed evidentiary, will be maintained for at least 90 *calendar* days. Erased ESDs will be returned to inventory for reuse.

6 EVIDENTIARY VIDEOS

When producing an *evidentiary video*, only the portion of the *mobile video* containing the particular incident will be duplicated.

Procedures

Officers will follow all the below procedures when obtaining an *evidentiary video*:

- a. Officers will ensure that any specific recording captured on a ESD relating to a Class B or higher arrest or any significant event is documented within the incident report for that event. Officers will list the specific video control number in the incident report with the notation the video will be held in the arresting officer's division for 120 days. The officer will also ensure a notation is made when returning the video to the

equipment room clearly documenting the ESD is to be held for 120 days.

- b. If it is determined a copy of the ESD is required by the DA's Office or a court during the 120-day retention period, the concerned division will be notified and a copy of the original ESD will be made by equipment room personnel.
- c. The copied video will be made available to the arresting officer for delivery to the court or the DA's Office. The officer delivering the copied video will make a supplemental report to the original incident detailing the chain of custody for the copied video. The original video will be relocated to the indefinite hold area within the division until final disposition of the case or investigation.
- d. If no requests for copies are made during the 120-day retention period, the video will be erased and placed back into inventory. Under no circumstances will the original video be removed from the custody of the equipment room until all holds are released.

7 RESPONSIBILITIES

Division Commanders

Division commanders will ensure:

- a. A sufficient number of ESDs are available for use in each vehicle possessing *mobile video* equipment.
- b. The video equipment is being properly utilized and maintained.
- c. The videos are properly cared for and safeguarded.

Supervisors

Supervisors will ensure:

- a. Only officers trained in the proper use of *mobile video* equipment will be assigned to those designated vehicles.
- b. The video log is being kept current and filled out completely and accurately.
- c. Permanently assigned ESDs are being logged in and out appropriately.

At the direction of the division commander, a supervisor will conduct an audit of the video log every month. During this review, it will be noted if ESDs are being logged in and out appropriately, and if ESDs assigned to each officer are being returned after an appropriate amount of time. The supervisor will sign and date the log indicating the audit was completed and make a written report to the division commander indicating the findings. Any discrepancies found will be investigated immediately.

An assigned supervisor will also conduct a review of randomly selected videos every other month (60-day audit). A written report to the division commander will include:

- Date of the audit
- Disc or tape number
- Shop number
- Officer being reviewed

The report will document the officer's performance and specify if the *mobile video* equipment is being utilized properly.

The Traffic and Mobility Incident Management divisions will review one percent of the total number of ESDs collected.

Patrol divisions will review three percent of the total number of ESDs collected.

Division commanders will compile the information obtained from the 60-day audit and make a written report via their chain to the executive assistant chief of Support Operations. In addition, arrests (Class B and higher offenses) captured on video will be documented in a separate report and also routed to the executive assistant chief of Support Operations. This report will be brief and note the date, time of arrest, and incident number of the report.

When it is determined a video recorded incident may be of training value, a supervisor will notify the appropriate Training Division personnel.

If within the course of a video review, violations of policy or training are discovered, supervisors will follow General Order 200-03, **Investigation of Employee Misconduct**.

Officers

Officers assigned vehicles with *mobile video* equipment will:

- a. Be responsible for the equipment installed in that vehicle.
- b. Check the equipment for proper operation at the beginning of the shift.
- c. Ensure adequate time is left on the *mobile video* ESD for use during the shift.
- d. Ensure the portable microphone's battery has sufficient charge.
- e. Notify their supervisor anytime a recording may be evidentiary.

- f. Notify their supervisor anytime a recording may have training value.
- g. Document in an incident report if video equipment was used.
- h. Immediately report any malfunctioning equipment or ESD to a supervisor.
- i. Document in an accident report if video equipment was used.
- j. Rewind the ESD (this only applies to videotapes) prior to turning it in if the final portion of the tape has been used.

Repair and Maintenance

Upon notification of equipment malfunction or damage, supervisors will ensure the vehicle or the video equipment is taken immediately to the Communications Management Division for service. The Communications Management Division will have the sole responsibility for on-site service and will liaison with the equipment's manufacturer for parts or replacement, if needed.

8 INTERNAL AFFAIRS DIVISION

Internal Affairs Division (IAD) is responsible for the collection and storage of any video concerning officer misconduct allegations. IAD will maintain custody of the video until the investigation is complete. Upon written request, IAD will provide a copy of the video to the officer who is the subject of the complaint.

9 COPYING OF VIDEOS

Officers requesting a personal copy of a recorded incident will do so in writing via their chain of command to their division commander. Such requests will indicate

the reasons for the request and how the duplicate recording will be used. If approved, requesting officers must furnish an ESD at their own expense.

10 CITIZEN REQUESTS

All requests from citizens for copies or viewing of videos will be referred to the Public Affairs Division. These requests will be handled in accordance with the Texas Public Information Act.

11 RELATED GENERAL ORDERS

200-03, Investigation of Employee
Misconduct
500-04, Driving While Intoxicated
600-42, Racial Profiling Prohibited
700-01, Property/Evidence Control
Regulations


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